



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/993,218

11/26/2001

Pasi Into Loukas

8034

7590

08/22/2006

Pasi Loukas  
Kemintie 969  
Rovaniemi, 96700  
FINLAND

EXAMINER

CHEN, SHIN HON

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/993,218	<b>Applicant(s)</b> LOUKAS, PASI INTO	
	<b>Examiner</b> Shin-Hon Chen	<b>Art Unit</b> 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 28, 29, 31, 33-53 and 55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28, 29, 31, 33-44, 47-53, and 55 is/are allowed.
- 6) ☒ Claim(s) 45 and 46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 28, 29, 31, 33-53, and 55 are examined.

#### ***Allowable Subject Matter***

2. The following is a statement of reasons for the indication of allowable subject matter:

The closest prior art of record discloses a web server for virus checking that uses a remote database to check if the file identification matches with potential virus-infected files prior to delivering content to client. The closest prior art does not explicitly disclose an examiner host computer, which is remote third-party host computer in the wide area network, being outside of the local area network sphere of the client computer, any intermediate computer intercepting client requested web content, and any source host computer of the client requested web content; wherein the examiner host is an independently operating host as a master server, rather than a subordinate slave server such as a database server; wherein the examiner host controls its processes and resources independently, rather than under direct external command; performing on-demand remote identity check on the web content in light of other features disclosed in independent claims 28, 49, 50, and 55. Therefore, claims 28, 29, 31, 33-44, 47-53, and 55 are allowable based on the structural difference over prior art.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2131

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim45 and 46 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Bates et al. U.S. Pat. No. 6785732 (hereinafter Bates2).

5. As per claim 45, Bates2 discloses network based download information system especially for wide area networks, like the Internet, comprising: client computer(s) (Bates2: summary of invention); a register host computer which keeps for each client a client-specific download details register about the web content which the client has acquired from the network (Bates2: column 12 lines 37-58: logging virus information); on the basis of a reiterated updated security check on a same web content which download details has been stored earlier in said register, the register host revising the security risk status for said web content (Bates2: column 12 lines 37-58); wherein the web content comprises files or any data which a client can acquire from the network (Bates2: column 12 lines 37-58).

6. As per claim 46, Bates2 discloses the system of claim 45. Bates2 further discloses wherein the pertinent client is informed about said revised security risk status (Bates2: column 12 lines 50-58); wherein the client destroys the host appointed web content and/or performs a virus scan (Bates2: figure 9).

***Response to Arguments***

7. Applicant's arguments, see Amendment, filed on 6/22/06, with respect to claims 28, 29, 31, 33-44, 47-53, and 55 have been fully considered and are persuasive. The rejection of claims 8, 29, 31, 33-44, 47-53, and 55 been withdrawn.

8. Regarding claims 45 and 46, claims 45 and 46 do not disclose the allowable subject matter indicated above. Therefore, claims 45 and 46 are rejected under 102 as being anticipated by Bates2. Applicant is advised to cancel claims 45 and 46 to expedite the prosecution.

9. Regarding applicant's argument on claims 45 and 46, applicant argues that the prior art of record does not disclose on the basis of a reiterated updated security check on a same web content which download details has been stored earlier in said register, the register host revising the security risk status for said web content. However, Bates2 discloses that the download information are stored in the virus information database, since the downloaded content are subject to virus scan, the same downloaded content will be virus checked and the security risk status will be changed accordingly in the virus information database (Bates2: column 12 lines 37-65). Therefore, applicant's argument is respectfully traversed.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2131

Kim et al. U.S. Pat. No. 6701440 discloses remote e-mail scanning device for protecting client and the remote scanning device is a third-party device.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2131

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shin-Hon Chen  
Examiner  
Art Unit 2131

SC

CHRISTOPHER REVAK  
PRIMARY EXAMINER

*CR* 8/12/06